The examiner has rejected claims 1 and 25 under 35 U.S.C. § 102(b) as being anticipated by Timmerman et al. In rejecting the claims the examiner notes that Timmerman et al. teach a purified protein/polypeptide from Staphylococcus epidermidis. The examiner further notes that the purified protein of Timmerman et al. is a cell wall surface located protein from Staphylococcus epidermidis and thus one having skill in the art would conclude that the purified protein of Timmerman et al. inherently has the claimed fibrinogen binding activity. Applicant has carefully considered this rejection but it is most respectfully traversed for the reasons discussed below.

The Timmerman et al. reference is an abstract cited by the examiner. For the examiner's convenience applicant has enclosed a complete copy of the Timmerman et al. reference.

Timmerman et al. disclose that a 220 kDa proteinaceous antigen of Staphylococcus epidermidis adheres to biomaterial and mediates attachment to polystyrene (see the article, page 4187, left column, just before "Materials and Methods"). There is no mentioning that this protein has fibrinogen binding activity. The Timmerman et al. protein cannot be the same as the protein of the present invention, since the molecular weight of the mature protein of the invention is approximately 114 kDa. Furthermore, the protein of the invention has no significant plastic binding activity (see table 2 in the present specification).

In addition, some of the authors of the cited reference have continued the work by characterizing the surface protein (see the enclosed article Veenstra et al., J. B. Acteriol. 1996 178:537-541). In this article, on page 538, left column at lines 9-10 it is stated that it appears that the protein, (which may appear in two forms named SSP-1 and SSP-2 and having molecular weights of 280 and 250 kDa, respectively), plays a

structural role in providing an interaction interface for polymerization in addition to the role of adhesion. The plastic (polystyrene) binding properties of these two proteins have been verified in a series of inhibition experiments, but again there is no mentioning of fibrinogen binding properties of these particular proteins.

In view of the above, it is clear that the claimed protein and the protein disclosed by Timmerman et al. are different. Accordingly, the rejection under 35 U.S.C. § 102(b) is untenable and must be withdrawn.

In addition, it will be recalled that the examiner withdrew claims 2-24 and 26-29 from consideration on the grounds that the technical feature which links the invention of groups I-XI does not constitute a special technical feature which defines a contribution over the prior art. Applicant submits that these claims should now be rejoined for consideration in view of the above arguments and information obtained from the accompanying publications which establishes that the claimed protein is indeed distinct from the cited protein and thus the technical feature of the claims which links the inventions of groups I-XI does indeed constitute a special technical feature which defines a contribution over the prior art.

Respectfully submitted,

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